

July 8, 2022

Via ECF

The Honorable Roanne L. Mann
United States Magistrate Judge
United States District Court
for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Joint Status Report: *Suffolk County Water Authority v. The Dow Chemical Co. et al.*,
No. 2:17-cv-6980-NG-RLM

Dear Judge Mann:

On behalf of Plaintiff Suffolk County Water Authority (“SCWA”) and Defendants The Dow Chemical Company, Vulcan Materials Company, and Ferro Corporation, the Parties update below their progress regarding additional discovery items sought in response to the Court’s July 1, 2022 order on Defendants’ motions to compel production of SCWA’s water supply applications and related documents and SCADA database (Dkt. No. 316, “Order”).

1. Water Supply Applications

SCWA has searched for hard copy water supply applications and related documents that it has in its possession, and identified 25 boxes of hard copy documents that may include water supply applications and related documents for 80 wells at issue. Of those 80 wells, DEC has already produced water supply applications for at least 8 of them. SCWA’s historic hard copy files were archived in their original bound form or in binders, and those documents are themselves inside file folders, many on aged and fragile paper. Many files contain numerous oversized documents such as maps and engineering drawings that are both costly and time-intensive to scan. SCWA will make the 25 boxes of documents available to Defendants to review at SCWA’s facilities the week of July 11, where Defendants can determine if they would like to scan the documents. The parties are conferring about sharing the costs involved with scanning the documents, as well as the status of SCWA’s continuing search for hard copy water supply applications and related documents for the remaining wells at issue, and will report to the Court on the status of these efforts by July 15.

2. SCADA Database

Defendants also sought data recorded in Plaintiff’s Supervisory Control and Data Acquisition database (“SCADA”). SCWA has corresponded with Defendants to inform them of, among other things: (i) the three broad categories of SCADA data it intends to produce; (ii) confirmed that certain graphical data (*e.g.*, basic diagrams) will be produced; and (iii) clarified that certain information that Defendants sought (*e.g.*, schematics and hydraulic profiles) are not in SCADA. SCWA has also informed Defendants that with the assistance of SCADA’s software

developer, Systems Integrated, SCWA is in the process of processing the transfer of the data recorded in the SCADA database. That data export is currently running and will take through the weekend to complete. The exported data will then need to be tested and subsequently validated. Due to the large volume of data, the data processing time involved, and the unavailability of SCWA's Systems Integrated consultants due to vacation around the July 4th holiday, SCWA anticipates that it may not be able to meet the July 11, 2022 deadline set by the Court in its Order. SCWA has agreed to connect Defendants with Systems Integrated to determine an appropriate method to accomplish the transfer of the data, and complete the production on or before July 15, 2022.

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The Parties will promptly bring to the Court any issues requiring earlier intervention following further good faith conferral.

Respectfully submitted,

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cc: All Counsel of Record (by ECF)